

WOOD, HERRON & EVANS, L.L.P.

#10

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 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

EDMUND P. WOOD
 1923-1968
 TRUMAN A. HERRON
 1935-1976
 EDWARD B. EVANS
 1936-1971

OF COUNSEL
 HERBERT C. BRINKMAN

TRADEMARK AND INT'L
 PATENT ADMINISTRATION
 KATHRYN EVANS SMITH
STAFF ATTORNEY

August 6, 2003

FACSIMILE COVER SHEET

RECEIVED

SEP 5 - 2003

DIRECTOR OFFICE
 TECHNOLOGY CENTER 2600

To: Attn: Krista Michelle Zele
 Special Program Examiner
 Technology Center 2600
 Communications

From: Douglas A. Scholer

Re: Our File: PHOT-02

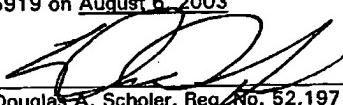
Fax: 703-746-5919

Pages: - 26- (including cover sheet)

MESSAGE/COMMENTS

This fax includes a Petition to Make Special for New Application Under M.P.E.P.
§708.02, VIII.

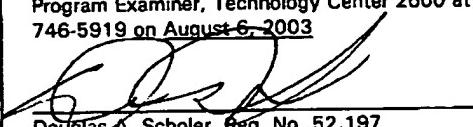
I hereby certify that this correspondence is being
 facsimile transmitted to Krista Michelle Zele, Special
 Program Examiner, Technology Center 2600 at 703-746-
 5919 on August 6, 2003


 Douglas A. Scholer, Reg. No. 52,197

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PATENT

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Program Examiner, Technology Center 2600 at 703-
746-5919 on August 6, 2003


Douglas A. Scholer, Reg. No. 52,197
8/6/03
Date

Applicant: Gary Russell
Serial No.: 09/939,932
Filed: August 27, 2001
Group Art Unit: 2624
Examiner: Scott A. Rogers
Confirmation No.: 4043
Title: SYSTEM FOR HALFTONE SCREEN PRODUCTION
Attorney Docket No.: PHOT-02

Cincinnati, Ohio 45202

August 6, 2003

**PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER M.P.E.P. § 708.02, VIII**

Commissioner for Patents
Attn: Krista Michelle Zele
Special Program Examiner
Technology Center 2600
Communications
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Special Program Examiner:

Petition

Applicant seeks to make this application special because of actual
infringement.

As the registered attorney of record, I allege:

- A) There is an infringing device and product actually on the market and an infringing method in use.
- B) A rigid comparison of the alleged infringing device, product and method has been made, and in my opinion, some of the claims are unquestionably infringed.
- C) I have both made and caused to be made a careful and thorough search of the prior art and have good knowledge of the pertinent art.

With the attachment to this petition of the Second Supplemental Information Disclosure Statement (which was originally submitted on 4/21/03 but that has apparently not been entered into the file), copies of all references deemed most closely related to the subject matter encompassed by the claims are of record.

While specimens of the infringing product are available upon request, Applicant asserts that this petition is already in condition for prompt acceptance and respectfully requests that the Special Program Examiner make this application special without delay.

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 23-3000. A duplicate of this paper is attached. Moreover, please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Finally, if any matter can be resolved by telephone, please call the undersigned attorney at your convenience.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Douglas A. Scheler
Reg. No. 52,197

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